

ADDITIONAL QUESTIONS FOR DDCI-NOMINEE KNOCHE

SUBMITTED BY SENATOR GARY HART

A. 1947 National Security Act

The predecessor committee recommended that the 1947 National Security Act be rewritten. Do you agree that this needs to be done?

Do you think the new legislation should include charters for the organizations and entities which make up the U.S. intelligence community, including the CIA?

Do you believe the new legislation should contain specific and clearly defined prohibitions or limitations on certain intelligence activities carried out by our intelligence agencies, including the CIA?

With respect to the CIA, what prohibitions or limitations should be contained in a new version of the 1947 National Security Act?

Will you, as DDCI, assist this Committee in writing this new legislation?

The National Security Act of 1947 is by now in need of substantial revisions. I am concerned, however, that in our zeal to bring the Act up to date, we leave sufficient flexibility for the Executive to deal with future unforeseen problems. Thus, questions such as whether charters for all intelligence entities should be included in the Act, and whether specific prohibitions should be included and what they might be deserve the most careful consideration. I pledge the cooperation of the CIA with the Committee in studying and arriving at decisions on these important questions.

B. Covert Action

Since 1961 the CIA has conducted some [redacted]

[redacted] In light of this, would you agree that, over the years, covert action has become a frequently used tool of U.S. foreign policy? Do you believe this was the intention of the framers of the 1947 National Security Act, or was covert action originally intended to be an exceptional tool, used only under extraordinary circumstances? Would you agree that covert action should only be used to deal with grave threats to American security?

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The use of CIA's covert action capability by Government policymakers has declined dramatically in recent years. When the United States was confronting worldwide communist subversion of the 1950's and communist insurgency in the 1960's, our Government found it necessary to aggressively oppose the expansion of communist political influence. With today's changing pattern of world affairs, however, covert action consumes [redacted] of CIA's budget. I do not believe this qualifies covert action as a frequently used tool of U.S. foreign policy. STATINTL

I believe it is clear that the National Security Act was intended to confer on CIA the authority to conduct covert action. How often the framers of the Act intended that it be used is not so clear. However, I believe that it is likely, given the then-recent successful history of the OSS, and the general international atmosphere of the late 1940's, that the framers intended covert action to be used whenever policymakers thought it was necessary. The important point to me, however, is that it is rarely used today. The standard in Section 662 of the Foreign Assistance Act, that an operation must be "important to the national security," is a more flexible and appropriate standard for the use of covert action than permitting its use only in response to a grave threat to American security.

The predecessor committee recommended, following its investigation of alleged assassination plots, a statute to prohibit such activities. In addition, the Committee recommended a statute to prohibit efforts to subvert democratic governments and support for police or other internal security forces which engage in the systematic violation of human rights. Do you believe these prohibitions are necessary and can you support them?

During my confirmation hearings, I stated that I did not believe that in peacetime there would ever be any occasion for this country to engage in political assassinations. Section 5(g) of E.O. 11905 prohibits employees of the United States Government from engaging in political assassination. In addition, the President has publicly stated that he will support legislation making it a crime to assassinate or attempt or conspire to assassinate a foreign official during peacetime.

I share your uneasiness about covert actions designed to overthrow democratic governments (I believe the word subvert is much too broad). However, I believe definitional problems and changes in the nature of particular governments make a flat prohibition too inflexible a standard.

Support for police or other internal security forces which engage in the systematic violation of human rights should be subject to stringent review, rather than prohibited by statute. Counter-intelligence, anti-terrorism, and anti-narcotics efforts often require the cooperation of internal security forces whose record on human rights is not admirable. Yet, it is clearly in the U.S. Government's interest to obtain maximum cooperation in these matters.

The Predecessor committee found that a majority of covert action projects--those that are considered low-risk or low-cost--can be approved within the CIA. Do you believe, as did the predecessor committee--that all covert action projects, whether high or low risk, should be reviewed by the appropriate National Security Council subcommittee?

The Operations Advisory Group, established by E.O. 11905 to review and make recommendations on covert action proposals, is composed of very senior Government officials. Certainly these officials should individually review each major covert action proposal--as is done. However, I do not believe it is necessary or advisable to require them to review every individual covert action, no matter how minor its impact. Some form of aggregate review should be sufficient.

The predecessor committee strongly recommended that this committee should be informed of all major or significant covert operations prior to their initiation. What are your views on prior notification or consultation? Also, the Committee recommended that this committee should be kept fully and currently informed on all covert action projects and the DCI should submit a semi-annual report on all such projects to the committee. Do you agree?

The designated oversight committee should receive timely reports on all intelligence activities, including covert action. I could not support a requirement of prior committee notification on covert action. This would be totally impractical during times of congressional recess when crises can arise. Intelligence activities are rarely single-step operations, but are generally continuing efforts extending over a period of time. Therefore, the committee will normally have ample opportunity to have their view considered on operations reported in a timely fashion. Regarding a semi-annual report on covert action, I want to work closely with the new committee to satisfy their information needs. If the committee is kept currently informed of intelligence activities, I am not sure a semi-annual report would contribute to the committee's knowledge or perspective. I am confident that a satisfactory arrangement can be reached with the committee.

Finally, how would you like to see the reporting requirements to Congress on covert operations, as found in the Hughes-Ryan amendment to the 1974 Foreign Assistance Act, amended or revised?

Congressional reporting requirements on covert action are not logically or appropriately part of the Foreign Assistance Act, and I would therefore support a repeal of the Hughes-Ryan amendment. Congress does need to be kept informed of covert action, but the statutory base for such reporting should be a general requirement to keep our regular oversight committees informed of intelligence activities. When the Committee proceeds to its consideration of the National Security Act, it is my hope that a repeal of Hughes-Ryan will be reported along with other appropriate amendments.

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Here are my draft answers for the covert action questions sent Mr. Knoche by Senator Hart. Nobody has reviewed them yet.

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Assistant Legislative Counsel

(EXECUTIVE REGISTRY)

DDCI/Knoche

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